THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6207 OF 2006

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DATED: 28-03-2006

BETWEEN

G.S.N.V. Anjaneya Babu,

S/o. Kutumba Rao,

R/o. Syndicate Bank Officers Colony,

H.No.9-1-41/24, Hasmathpet,

Secunderabad and others.

...PETITIONERS

AND

The Municipal Corporation of Hyderabad,

Rep. by its Commissioner, Having Head

Office at Tank Bund, Basheerbagh,

Hyderabad and others.

...RESPONDENTS

ORDER:

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Petitioners seek a Writ of Mandamus to declare the action of the respondents 1 and 2 in not removing the unauthorized constructions by the third respondent in the premises bearing No.H.No.8-3-229/W/31/A, Bhagawathi Nagar, Yousufguda, Hyderabad as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the absolute owners of the property bearing H.No.8-3-230/1C/1 Plot No.1 admeasuring 446 sq. yards in S.No.403/6 (old) and 120(5) situated at ICRISAT Employees Co-operative Housing Society Limited, Venkatagiri, Yousufguda, Hyderabad. He further submits that the petitioners also obtained permission from the municipal authorities vide permission No.103/63/2005 in File No.230/1C/1/3/2005 for construction of the residential building comprising of ground, first and second floors and accordingly constructed the building as per the municipal sanction plan and permit. He further submits that the third respondent is the owner of the property bearing No.8-3-229/W/31/A, Bhagawathi Nagar, Yousufguda, Hyderabad situated towards South and West corner of the petitioners plot and he is constructing the multi storied building comprising ground, first, second and third floors with a pent house over the said plot, against the sanction plan without leaving set backs and in violation of the building Bye-laws, zoning regulations and the provisions of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act').

Learned counsel for the petitioners further submits that the petitioners have made representations dated 09.01.2006 and 21.03.2006 before the Assistant City Planner, Circle-V, Hyderabad - second respondent, who has not taken any action so far.

Having regard to the facts and circumstances of the case,
the second respondent is directed to inspect the sites of both the petitioners as well as the third respondent and if he finds any deviations or if the construction is made contrary to the sanction plan and permit, the second respondent shall take appropriate action after giving reasonable to the petitioners as well as the third respondent by passing appropriate orders in accordance with law within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 28, 2006

Note: Furnish C.C. of the order by 30.03.2006

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DSK